

REMARKS (37 CFR 1.111)

Double Patenting and Terminal Disclaimer

The Examiner has rejected Claims 21-27 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 2, 13, 15, 17, 23, and 29-31 of U.S. Patent No. 6,648,862 B2. The Examiner has acknowledged that the claims are not identical, but asserts that they are not patently distinct from each other. A terminal disclaimer will overcome these rejections. Therefore, in conjunction with this Response, Applicant has filed a terminal disclaimer pursuant to 37 CFR 1.321.

35 U.S.C. § 103(a) Rejections

Pursuant to 35 U.S.C. §103(a), the Examiner has rejected Claims 21-25 on the basis that such claims are obvious in light of Skalla (US 5,522,808 A), Claims 26-27 on the basis that such claims are obvious in light of Skalla in view of Lichtenstein (US 4,464,172), and Claim 28 on the basis that such claim is obvious in light of Skalla in view of Walker (US 5,741,237).

The Skalla disclosure is unrelated to Applicant's disclosure and claims. Neither Skalla nor any other art of record, alone or in combination, teaches, discloses, or suggests such a personally portable vacuum desiccator. Skalla is directed to a cart mounted apparatus for sucking and filtering noxious gases from a surgery plume, whereas Applicant's claimed invention is directed to a vacuum desiccator that is transportable upon the user's person for collecting excess liquid from a wound or incision on the user. This is particularly important since Skalla is only directed towards the collection of gasses, and not liquids (*see* col. 3, lines 13-18). Therefore, Applicant respectfully submits that claim 1 and its dependent claims are allowable over the art of record.

Further, in regard to Claim 22, Skalla does not suggest the group of trapping agents. In regard to Claim 23, Skalla only teaches a gas flow path.

In regard to Skalla in view of Lichtenstein, Claims 26 and 27, these references cannot be combined in that neither patent suggests the use of the other. Skalla is directed solely at a surgery plume filter device, while Lichtenstein is directed at a computer controlled medical care system. Neither patent suggests or any way infers that one could be used in conjunction with the other. In addition to Skalla not suggesting the elements of Claim 21, all of the elements of Claim 26, as depending from Claim 25 depending from Claim 21, are not disclosed nor suggested by the references. Claim 26 discloses a group of sensors used within the desicator unit, while Lichtenstein discloses other sensors that provide information to the device from without. In no way does this suggest or teach Applicant's invention.

In regard to Skalla in view of Walker, Claim 28, these references cannot be combined in that neither patent suggests the use of the other. Walker is directed solely at disposal of fluids, while Skalla is directed solely at the collection of gasses. Furthermore, all of the elements of Claim 28, as depending from Claim 21, are not disclosed nor suggested by the references. Walker discloses a receiving compartment (used for washing the cannister) with a transparent door (*see col. 4, lines 25-38*), it does not teach having a cannister with transparent material (used to collect liquids). Applicant's chamber with transparent material allows the viewing of the trapping agent. Walker's cannister includes no transparent material, and body fluid levels are checked via a floatball. (*see col. 3, lines 38-42*) In no way does this suggest or teach Applicant's invention.

CONCLUSION


In view of the above, it is submitted that the remaining claims are in a condition for allowance. Reconsideration and withdrawal of the rejections are hereby requested. Allowance of the pending claims at an early date is solicited.

If impediments to allowance of the pending claims remain, and a telephone conference between the undersigned and the examiner would help remove such impediments in the opinion of the examiner, a telephone conference is respectfully requested.

Respectfully submitted,

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